

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	Criminal No. 8:24-CR-493 (BKS)
)	
v.)	STIPULATION AND ORDER
)	FOR CONTINUANCE
TROY KELLY)	
)	
)	
Defendant.)	

Timothy E. Austin, Esq., the attorney for Troy Kelly having moved for a continuance of 60 days within which the parties may file motions and prepare for trial in the above-captioned action and Carla B. Freedman, United States Attorney for the Northern District of New York AUSA, Joseph S. Hartunian, Assistant U.S. Attorney, appearing, having consented to the continuance and proposed the exclusion of the 60 day period of continuance under the Speedy Trial Act, the parties hereby stipulate and agree as follows:

- 1) The prior proceedings in this case occurred as follows:
 - a) Date of initial appearance or arraignment: waived December 25, 2024
 - b) Date of indictment: December 12, 2024
 - c) Defendant custody status: released on conditions
 - i) Date United States moved for detention: June 25, 2024
 - ii) Date of detention hearing: June 28, 2024
 - iii) Date detention decision issued: June 28, 2024
- 2) The Court previously ordered the following exclusions under the Speedy Trial Act:
 - a) None.
- 3) Troy Kelly has requested the continuance based on the following facts and circumstances:

The United States provided post-indictment discovery materials on January 3, 2024. The defendant

seeks the continuance in order to provide a reasonable amount of time necessary for counsel to review discovery, research and assess collateral consequences, and research and file motions and prepare for trial.

4) The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendants in a speedy trial because the need for the defense to review the discovery, to conduct their own investigation, and to explore plea discussions, make it unreasonable to expect the defense to submit motions and be prepared to defend the case on the current schedule, taking into account the exercise of due diligence.

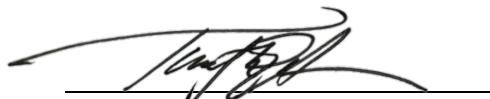
5) The parties stipulate and agree that a period of 60 days from the date of the signing of this Order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: January 14, 2025

CARLA B. FREEDMAN
United States Attorney

By: /s/ Joseph S. Hartunian
Joseph S. Hartunian
Cyrus P.W. Rieck
Assistant United States Attorney
Bar Roll No. 704398 & 518933


Timothy E. Austin, Esq.
Eric K. Schillinger, Esq.
Attorney for Troy Kelly
Bar Roll No. 508098 & 516083

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ORDER

A. The Court incorporates into this Order the stipulated facts set forth above and hereby adopts them as findings.

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendants in a speedy trial because this delay is necessary in order to allow the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS
IT IS HEREBY ORDERED:

A. A period of 60 days, from the date of the signing of this Order shall be excludable in computing time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), in order to give the parties the reasonable time necessary for effective preparation.

B. Any pretrial motions in this case shall be filed on or before _____ and shall be made returnable on _____.

C. The trial in this matter shall begin on _____ before United States District Chief Judge Brenda K. Sannes in _____, New York or, in the alternative, a change of plea shall be entered on or before _____.

IT IS SO ORDERED.

Dated and entered this _____ day of January, 2025.

Hon. Brenda K. Sannes
United States District Judge